

Control Act of 1990, and not as part of the Victims of Crime Act of 1984 which comprises this chapter.

AMENDMENTS

1994—Subsec. (c)(7). Pub. L. 103-322 inserted at end “The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 3510.

§ 10608. Closed circuit televised court proceedings for victims of crime

(a) In general

Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

- (1) out of the State in which the case was initially brought; and
- (2) more than 350 miles from the location in which those proceedings originally would have taken place;

the trial court shall order closed circuit televising of the proceedings to that location, for viewing by such persons the court determines have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

(b) Limited access

(1) Generally

No other person, other than official court and security personnel, or other persons specifically designated by the court, shall be permitted to view the closed circuit televising of the proceedings.

(2) Exception

The court shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

(c) Restrictions

(1) The signal transmitted pursuant to subsection (a) of this section shall be under the control of the court at all times and shall only be transmitted subject to the terms and conditions imposed by the court.

(2) No public broadcast or dissemination shall be made of the signal transmitted pursuant to subsection (a) of this section. In the event any tapes are produced in carrying out subsection (a) of this section, such tapes shall be the property of the court and kept under seal.

(3) Any violations of this subsection, or any rule or order made pursuant to this section, shall be punishable as contempt of court as described in section 402 of title 18.

(d) Donations

The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a) of this section.

(e) Construction

(1)¹ Nothing in this section shall be construed—

(i) to create in favor of any person a cause of action against the United States or any officer or employees thereof, or

(ii) to provide any person with a defense in any action in which application of this section is made.

(f) “State” defined

As used in this section, the term “State” means any State, the District of Columbia, or any possession or territory of the United States.

(g) Rules

The Judicial Conference of the United States, pursuant to its rule making authority under section 331 of title 28, may promulgate and issue rules, or amend existing rules, to effectuate the policy addressed by this section. Upon the implementation of such rules, this section shall cease to be effective.

(h) Effective date

This section shall only apply to cases filed after January 1, 1995.

(Pub. L. 104-132, title II, § 235, Apr. 24, 1996, 110 Stat. 1246.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (a), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

CODIFICATION

This section was enacted as part of the Justice for Victims of Terrorism Act of 1996, and also as part of the Antiterrorism and Effective Death Penalty Act of 1996, and not as part of the Victims of Crime Act of 1984 which comprises this chapter.

CHAPTER 113—STATE JUSTICE INSTITUTE

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¹ So in original. No par. (2) has been enacted.

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§ 10701. Definitions

As used in this chapter, the term—

- (1) “Board” means the Board of Directors of the Institute;
- (2) “Director” means the Executive Director of the Institute;
- (3) “Governor” means the Chief Executive Officer of a State;
- (4) “Institute” means the State Justice Institute;
- (5) “recipient” means any grantee, contractor, or recipient of financial assistance under this chapter;
- (6) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;
- (7) “Supreme Court” means the highest appellate court within a State unless, for the purposes of this chapter, a constitutionally or legislatively established judicial council acts in place of that court; and
- (8) “domestic violence” means—
- (A) any action that constitutes—
- (i) attempting to cause or intentionally, knowingly, or recklessly causing bodily injury or physical illness;
- (ii) rape, sexual assault, or causing involuntary deviate sexual intercourse;
- (iii) placing by physical menace another in fear of imminent serious bodily injury; or
- (iv) the infliction of false imprisonment; if such action is taken by one of 2 spouses, former spouses, or sexual or intimate partners against the other spouse, former spouse, or partner and the 2 of whom share biological parenthood of, have adopted, are legal custodians of, or are stepparents of a minor child; or
- (B) physically or sexually abusing such minor child if such abuse is inflicted by either of such spouses, former spouses, or partners.

(Pub. L. 98-620, title II, § 202, Nov. 8, 1984, 98 Stat. 3336; Pub. L. 102-528, § 1, Oct. 27, 1992, 106 Stat. 3461.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title” meaning title II of Pub. L. 98-620, Nov. 8, 1984, 98 Stat. 3336, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note below and Tables.

AMENDMENTS

1992—Par. (8). Pub. L. 102-528 added par. (8).

EFFECTIVE DATE

Section 216 of title II of Pub. L. 98-620 provided that: “The provisions of this title [enacting this chapter and